

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

NATHANIEL WILLIAMS,

Plaintiff,

v.

FOLEY PIPE PRODUCTION COMP.,  
BOB SAPONE AND STEVE VICK,

Defendants.

CIVIL ACTION NO.

2:07CV963-WKW

**DEFENDANTS' NOTICE OF REMOVAL**

COME NOW Defendants Foley Products Company, incorrectly named as "Foley Pipe Production Comp.," Steve Vick and Bob Sapone (hereinafter "Defendants"), pursuant to 28 U.S.C. §§ 1331, 1343, 1441, 1443 and 1446, and give notice of the removal of this civil action from the Circuit Court of Montgomery County, Alabama, to the United States District Court for the Middle District of Alabama, Northern Division. In support of the removal of this action, Defendants show as follows:

1. This Notice of Removal is timely because it has been filed within 30 days of the service of the Summons and Complaint upon Defendants. 28 U.S.C. § 1446(b). Plaintiff commenced this action in an Alabama state court on June 19, 2007, by filing of the Complaint in the Circuit Court of Montgomery County, Alabama. See Complaint at 1 (reflecting Circuit Clerk's stamp showing June 19,

2007, as the date of filing). Defendants were each served with the Summons and Complaint by process server on October 8, 2007. See **Exhibit 1**, the service returns on each of the Defendants, reflecting October 8, 2007 as the date of service as to each of the Defendants.

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343. Specifically, Plaintiff's Complaint consists of civil rights claims "arising under the Constitution, laws, or treaties of the United States, namely Title VII of the Civil Act of 1964 [42 U.S.C. § 2000e], 42 U.S.C. § 1981, 42 U.S.C. § 1985 and the 14<sup>th</sup> Amendment of the United States Constitution. See Complaint at 13, 15, 19 and 22.

3. Venue is proper in this judicial district and division because Defendants have removed this action "to the district court of the United States for the district and division embracing the place where such action is pending." 28 U.S.C. § 1441(a); 28 U.S.C. § 81(b)(1) ("The Northern Division [of the Middle District of Alabama] comprises the counties of Coosa, Covington, Crenshaw, Elmore, Lowndes, Montgomery and Pike.").

4. **Exhibit 2** is a certified copy of all process, pleadings and orders served upon Defendants in the State Court action, which Defendants submit to the Court in accordance with 28 U.S.C. § 1446(a).

5. A copy of the "Notice of Filing of Notice of Removal with United States District Court" that Defendants are contemporaneously filing with the Circuit Court of Montgomery County, Alabama, is attached hereto as **Exhibit 3**.

WHEREFORE, Defendants Foley Products Company, Steve Vick and Bob Sapone give notice of the removal of this action from the Circuit Court of Montgomery County, Alabama, to this Court.

  
STEVEN M. STASTNY

ASB-7803-S71S

  
SUSAN W. BULLOCK

ASB-2035-U81S

Counsel for Defendants

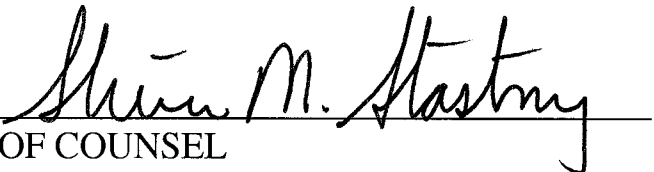
**OF COUNSEL:**

FORD & HARRISON LLP  
2100 3<sup>rd</sup> Ave. N., Ste. 400  
Birmingham, AL 35203  
Tel. (205) 244-5900  
Fax (205) 244-5901

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 26<sup>th</sup> day of October, 2007 served a copy of the foregoing document, Defendants' Notice of Filing of Notice of Removal with United States District Court, upon the all counsel of record indicated below by mailing a copy of same via first-class United States Mail, postage prepaid and addressed as follows:

Norman Hurst, Jr., Esq.  
462A Sayre Street  
Montgomery, Alabama 36104

  
OF COUNSEL

Birmingham:18298.1

## EXHIBIT 1

State of Alabama  
Unified Judicial System

Form C-34 Rev 6/88

**SUMMONS  
-CIVIL-**

Case Number  
CV 07-984

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

Plaintiff NATHANIEL WILLIAMS, Defendant FOLEY PIPE PRODUCTION COMPANY

NOTICE TO 1091 SCOTT DRIVE, CLANTON, AL 35045

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF OR PLAINTIFF'S ATTORNEY NORMAN HURST WHOSE ADDRESS IS 462 SAYRE STREET, MONTGOMERY, AL 36104

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED by the Alabama Rules of Civil Procedure:

☐ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant.

☐ Service by certified mail of this summons is initiated upon the written request of Melissa Pittman pursuant to the Alabama Rules of Civil Procedure.

Date 8/27/07 By: [Signature]  
Clerk/Register

☐ Certified Mail is hereby requested.

Plaintiff's/Attorney's Signature

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on \_\_\_\_\_ (Date)

☒ I certify that I personally delivered a copy of the Summons and Complaint to Julia (Date) October 8 2007 in Chilton County, Alabama on October 8 2007 (Date)

October 8 2007  
Date  
500 2nd Ave N. Clanton  
Address of Server

[Signature]  
Server's Signature  
Type of Process Server

FILED  
CIRCUIT COURT OF  
MONTGOMERY COUNTY  
2007 JUN 19 PM 4:57

WAS

N/C 10-05-07 E-15

<b>State of Alabama</b> <b>Unified Judicial System</b>  Form C-34      Rev 6/88	<b>SUMMONS</b> <b>-CIVIL-</b>	Case Number  <u>CN 07-984</u>
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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

Plaintiff NATHANIEL WILLIAMS v. Defendant BOB SARONE

NOTICE TO 1091 SCOTT DRIVE, CLANTON, AL 35045

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF OR PLAINTIFF'S ATTORNEY NORMAN HURST WHOSE ADDRESS IS 462 SAYRE STREET, MONTGOMERY, AL 36104

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED by the Alabama Rules of Civil Procedure:

☐ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant.

☐ Service by certified mail of this summons is initiated upon the written request of Norman Hurst pursuant to the Alabama Rules of Civil Procedure.

Date 8/27/07 By: [Signature]  
Clerk/Register

☐ Certified Mail is hereby requested.

Plaintiff's/Attorney's Signature [Signature]

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on \_\_\_\_\_ (Date)

☒ I certify that I personally delivered a copy of the Summons and Complaint to Julia Alabama on October 8 2007 in Chilton County, (Date)

October 8 2007  
Date  
500 2nd AVE N Clanton  
Address of Server

[Signature]  
Server's Signature

Type of Process Server \_\_\_\_\_

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MONTGOMERY COUNTY  
JUN 19 AM 4:57  
SEP 20 21 22 23 24 25  
RECEIVED  
SHERIFF  
CHILTON CO.  
ALABAMA

WAS

State of Alabama Unified Judicial System  Form C-34      Rev 6/88	<b>SUMMONS</b> <b>-CIVIL-</b>	Case Number  <u>CV-07-984</u>
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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

Plaintiff NATHANIEL WILLIAMS v. Defendant STEVE VICK  
D3

NOTICE TO 1091 SCOTT DRIVE, CLANTON, AL 35045

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF OR PLAINTIFF'S ATTORNEY NORMAN HURST WHOSE ADDRESS IS 462 SAYRE STREET, MONTGOMERY, AL 36104

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

**TO ANY SHERIFF OR ANY PERSON AUTHORIZED by the Alabama Rules of Civil Procedure**

☐ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant.

☐ Service by certified mail of this summons is initiated upon the written request of \_\_\_\_\_ pursuant to the Alabama Rules of Civil Procedure.

Date 8/27/07 Melissa Pittenger By: [Signature]  
 Clerk/Register

☐ Certified Mail is hereby requested. \_\_\_\_\_  
 Plaintiff's/Attorney's Signature

**RETURN ON SERVICE:**

☐ Return receipt of certified mail received in this office on \_\_\_\_\_ (Date)

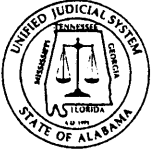
☒ I certify that I personally delivered a copy of the Summons and Complaint to Julia  
Thomas in Chilton County,  
 Alabama on October 8, 2007  
 (Date)

October 8, 2007  
 Date  
500 2nd Ave N Clanton  
 Address of Server

Frank Davis C-31  
 Server's Signature  
 Type of Process Server

 2007 JUN 19 PM 4:51  
 MONTGOMERY COUNTY

**EXHIBIT 2**



**Melissa Rittenour**, Clerk and Register, Circuit Court Montgomery County

Telephone (334) 832-1260

Montgomery County Courthouse, P.O. Box 1667, Montgomery, AL 36102-1667

TO WHOM IT MAY CONCERN:

I, MELISSA RITTENOUR, CLERK OF THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA, DO HEREBY CERTIFY THAT THE ATTACHED ARE TRUE AND CORRECT COPIES OF DOCUMENTS ON FILE IN SAID OFFICE IN THE CASE ENTITLED:

*CV-07-984*  
*Nathaniel Williams vs. Zoley Pipe Prod.*

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL OF SAID COURT AT OFFICE IN THE CITY OF MONTGOMERY, ALABAMA, ON THIS THE 25th DAY OF Oct, 2007.

*Melissa Rittenour*  
\_\_\_\_\_  
CLERK, CIRCUIT COURT  
MONTGOMERY COUNTY, ALABAMA



State of Alabama  
Unified Judicial System

Form C-10 (front) Rev. 8/92

# AFFIDAVIT of SUBSTANTIAL HARDSHIP and ORDER

Case Number

CV-07-984

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

☐ STATE OF ALABAMA ☐ MUNICIPALITY OF NATHANIEL WILLIAMS

v. FOLEY PIPE PRODUCTION COMPANY, et al., Defendant

TYPE OF PROCEEDING: \_\_\_\_\_ CHARGE: \_\_\_\_\_

- ☒ CIVIL CASE- I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.
- ☐ CIVIL CASE (such as paternity, support, termination of parental rights, dependency) - I request an attorney be appointed for me.
- ☐ CRIMINAL CASE--I am financially unable to hire an attorney and request that the Court appoint one for me.
- ☐ DELINQUENCY/NEED OF SUPERVISION - I am financially unable to hire an attorney and request that the Court appoint one for my child.

## AFFIDAVIT

A. Do you have a job or work for yourself? ☒ Yes ☐ No  
Employer's name and address City of Montgomery (Park + Rec)

How much money do you take home each week? Biweek + \$ 530.

B. If unemployed, give month and year of last employment and amount earned per month \$ \_\_\_\_\_

C. Does your husband or wife have a job? ☐ Yes ☒ No  
Employer's name and address \_\_\_\_\_

How much money does he/she take home each week? + \$ \_\_\_\_\_

D. Do you receive money or benefits from any other source? ☐ Yes ☒ No  
(Example: retirement pay, social security, workmen's compensation, unemployment compensation, food stamps, rent payments, interest, dividends, etc.)  
How much do you receive each month? + \$ 1060

A. Do you have any money in any bank, savings and loan, credit union, or any other place, including cash on hand? ☐ Yes ☒ No  
Where? \_\_\_\_\_ How much? + \$ \_\_\_\_\_

B. Do you own anything else of value? (Land, house, boat, television, stereo, jewelry, car, truck, van, stocks, bonds, etc.) ☐ Yes ☒ No

What? 86 Ford Renser Truck Television stereo  
Total Value + \$ 1300

A. Are you: ☒ Single ☐ Married ☐ Widowed ☐ Divorced ☐ Separated?

B. Do you have any dependents? ☒ Yes ☐ No  
Who and what relationship? son Justus Williams

Form C-10 (back) Rev. 8/92

## AFFIDAVIT of SUBSTANTIAL HARDSHIP and ORDER

What does it cost you to live each month? - \$ \_\_\_\_\_

D  
E  
B  
T  
S

Creditor	Total Debt	Monthly Payment
Loans	\$ _____	\$ _____
Charge Accounts	_____	_____
House or rent payments	_____	800.00
Alimony	_____	_____
Support	_____	_____
Car payment	_____	_____
Groceries	_____	100.00
Utilities	_____	100.00
_____	_____	_____
_____	_____	_____

In support of this request, I have answered the above questions relating to my ability to pay. I swear that the answers are true and reflect my present financial status. I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury.

I further understand and acknowledge that if the Court appoints an attorney to represent me, the Court may require me to pay the fees and expenses of my court-appointed counsel and costs of court.

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Judge/Notary

Affiant Signature

Home Address

3223 Fairfax Rd  
Montg 36109

Social Security Number

Date of Birth

424-13-3583

1-1-50

## ORDER

IT IS ORDERED THAT THE FOREGOING REQUEST BE:

☐ GRANTED☐ DENIED

IT IS THEREFORE, ORDERED AND ADJUDGED BY THE COURT THAT (Check one or more of the following boxes, as appropriate):

- ☐ Attorney at Law, be and is hereby appointed as counsel to represent, assist and defend in this (these) case(s).
- ☐ the prepayment of the docket fee be waived.
- ☐ the Court reserves the right and may order reimbursement of attorney's fees, expenses approved by the Court and paid to the appointed counsel, and costs of Court.

DONE this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Judge

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, ALBAMA

NATHANIEL WILLIAMS  
Plaintiff,

v.

FOLEY PIPE PRODUCTION, COMP.,  
STEVE VICK, & BOB SAPONE, in their  
individually, and in official capacity  
Defendant.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Case Number:

CV 07-984

COMPLAINT

Plaintiff, Nathaniel Williams files this complaint asserting various causes of actions and for damages pursuant to 28 U.S.C. § 1331 et.seq. In support of this complaint, plaintiff would show the court the following:

I. PARTIES

1. That Plaintiff, Nathaniel Williams, is a resident of Montgomery, County Alabama and is over the age of 19.
2. That Defendant, Foley Pipe Production Company is a corporation duly organized under the laws of the State of Alabama.
3. That Defendant, Steve Vick, is and employee of Foley Pipe Production Company and is its Operations Manager and is sued in his official and individual capacity.
4. That Defendant, Bob Sapone, is an employee of Foley Pipe Production Company and is employed as the Plant Manager and is sued in his official and individual capacity.

II. FACTS

5. That the Plaintiff, Nathaniel Williams, a resident of Montgomery, Alabama was employed with

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CIRCUIT COURT OF  
MONTGOMERY COUNTY  
2007 JUN 19 PM 4:57

Foley Pipe Production Company (hereinafter Foley) as a forklift operator on or about May 16, 2006.

6. That plaintiff was interviewed by the vice-president of Foley, Chris, white male and Office Manager Gwen Margaritondo, white female and was told at time of hiring he would be a crane operator and future supervisor.
7. That on or about May 22, 2006 the Plaintiff was asked if he would like to be a crane operator by Bob Sapone, white male.
8. That on May 23, 2006 the Plaintiff was told to start working at the Header Cart Station, by Bob Sapone and Craig, white male was given duties as a crane operator.
9. That during the periods of June 8, 2006 until June 15, 2006, the plaintiff learned various duties including but not limited to MBK, and Robot.
10. That on or about June 19, 2006 Patrick, a white male was hired as a crane operator and that on June 26, 2006 James, a white male was hired as a crane operator. Plaintiff was not informed of these positions nor given an opportunity to apply.
11. That on or about June 27, 2006 plaintiff inquired why he had not been promoted as promise to a crane operator. It was at this time Bob Sapone said in an aggressive tone that he would rotate the same when he was ready.
12. That on or about July 17, 2007 plaintiff was fired, no reason was given for termination.

### III. JURISDICTION

13. This Court has jurisdiction of this action pursuant to Title VII, Section 703, 42 U.S.C. § 1981, 1985, 28 U.S.C. § 1331.

### COUNT I

14. That the Plaintiff's repeats, realleges, and incorporates by reference the proceeding paragraphs.

15. That Foley deprived Mr. Williams, a black employee of his 14<sup>th</sup> Amendment rights which under similar circumstances were accorded to white employees which violated his Title VII Section 703 and 42 U.S.C.A. 1981.

16. Mr. Williams was deprived of his civil rights because of his race in order to discriminate against him in favor of less educated and qualified white employees.

17. Mr. Williams was deprived of such rights by; the promotion of less educated and qualified white employee, white applicants with less experience and education was hired as a crane operator, by not positing positions and according white employees with better treatment in respect to job duties, time off, and disciplinary actions.

#### COUNT II

18. That the Plaintiff's repeats, realleges, and incorporates by reference the proceeding paragraphs.

19. That Steve Vick, Bob Sapone, and Chris deprived Mr. Williams, a black employee of his constitutional rights which under similar circumstances were accorded to white employees which violated his 42 U.S.C.A. 1985.

20. Mr. Williams was deprived of his civil rights because of his race in order to discriminate against him in favor of less educated and qualified white employees and Mr. Vick, Sapone, along with Chris conspired with one another to prohibit Mr. Williams from becoming a crane operator and in the terms and conditions of his employment.

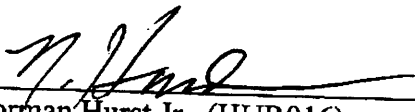
21. Mr. Williams was deprived of such rights by; the promotion of less educated and qualified white employee, white applicants with less experience and education was hired as a crane operator, by not positing positions and according white employees with better treatment in respect to job duties, time off, and disciplinary actions.

COUNT III

22. That the Plaintiff's repeats, realleges, and incorporates by reference the proceeding paragraphs.
15. That Foley deprived Mr. Williams, a black employee of his constitutional rights which under similar circumstances were accorded to white employees which violated his Title VII Section 703.
16. Mr. Williams was deprived of his civil rights because of his race in order to discriminate against him in favor of less educated, qualified white employees and was paid a starting salary less than whites during the course of his employment.
17. Mr. Williams was deprived of such rights by; the promotion of less educated and qualified white employee, white applicants with less experience and education was hired as a crane operator, by not positing positions and according white employees with better treatment in respect to job duties, time off, and disciplinary actions.

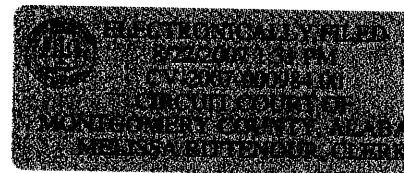
WHEREFORE, plaintiff respectfully requests that the court grants the Plaintiff damages and any other relief at law or equity

Respectfully submitted this the 19th day of June, 2007.

  
\_\_\_\_\_  
Norman Hurst Jr. (HUR016)  
Attorney for the Plaintiff  
462 Sayre Street  
Montgomery, Alabama 36104  
(334) 269-6449

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CIRCUIT COURT OF  
MONTGOMERY COUNTY  
2007 JUN 19 PM 4:56  
hix





IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

WILLIAMS NATHANIEL

Plaintiff

v.

FOLEY PIPE PRODUCTION CO

SAPONE BOB

VICK STEVE

Defendants

Case No.: CV-2007-000984.00

**ORDER**

IT IS HEREBY ORDERED THAT THIS MATTER IS SET FOR A NON JURY TRIAL AT 9:00AM IN COURTROOM 3-C OF THE MONTGOMERY COUNTY COURTHOUSE.  
DONE this 22nd day of August, 2007

/s WILLIAM A. SHASHY

CIRCUIT JUDGE





## AlaFile E-Notice

**03-CV-2007-000984.00**

Judge: WILLIAM A. SHASHY

To: FOLEY PIPE PRODUCTION CO (PRO SE)  
1091 SCOTT DRIVE  
CLANTON, AL 35045

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

NATHANIEL WILLIAMS VS. FOLEY PIPE PRODUCTION CO, ET AL  
**03-CV-2007-000984.00**

The following matter was FILED on 8/22/2007 1:31:02 PM

Notice Date: 8/22/2007 1:31:02 PM

**MELISSA RITTENOUR**  
**CIRCUIT COURT CLERK**  
MONTGOMERY COUNTY, ALABAMA  
251 S. LAWRENCE STREET  
MONTGOMERY, AL 36102

334-832-4950



## AlaFile E-Notice

**03-CV-2007-000984.00**

Judge: WILLIAM A. SHASHY

To: SAPONE BOB (PRO SE)  
1091 SCOTT DRIVE  
CLANTON, AL 35045

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

NATHANIEL WILLIAMS VS. FOLEY PIPE PRODUCTION CO, ET AL  
03-CV-2007-000984.00

The following matter was FILED on 8/22/2007 1:31:02 PM

Notice Date: 8/22/2007 1:31:02 PM

MELISSA RITTENOUR  
CIRCUIT COURT CLERK  
MONTGOMERY COUNTY, ALABAMA  
251 S. LAWRENCE STREET  
MONTGOMERY, AL 36102

334-832-4950



## AlaFile E-Notice

**03-CV-2007-000984.00**

Judge: WILLIAM A. SHASHY

To: VICK STEVE (PRO SE)  
1091 SCOTT DRIVE  
CLANTON, AL 35045

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

NATHANIEL WILLIAMS VS. FOLEY PIPE PRODUCTION CO, ET AL  
**03-CV-2007-000984.00**

The following matter was FILED on 8/22/2007 1:31:02 PM

Notice Date: 8/22/2007 1:31:02 PM

**MELISSA RITTENOUR**  
**CIRCUIT COURT CLERK**  
MONTGOMERY COUNTY, ALABAMA  
251 S. LAWRENCE STREET  
MONTGOMERY, AL 36102

334-832-4950



## AlaFile E-Notice

**03-CV-2007-000984.00**

Judge: WILLIAM A. SHASHY

To: HURST NORMAN JR  
462 A SAYRE ST  
MONTGOMERY, AL 36104

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

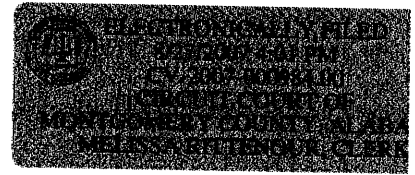
NATHANIEL WILLIAMS VS. FOLEY PIPE PRODUCTION CO, ET AL  
03-CV-2007-000984.00

The following matter was FILED on 8/22/2007 1:31:02 PM

Notice Date: 8/22/2007 1:31:02 PM

**MELISSA RITTENOUR**  
**CIRCUIT COURT CLERK**  
MONTGOMERY COUNTY, ALABAMA  
251 S. LAWRENCE STREET  
MONTGOMERY, AL 36102

334-832-4950



**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

WILLIAMS NATHANIEL

Plaintiff

v.

FOLEY PIPE PRODUCTION CO

SAPONE BOB

VICK STEVE

Defendants

Case No.: CV-2007-000984.00

**ORDER**

IT IS HEREBY ORDERED THAT THIS MATTER BE SET FOR A NON JURY TRIAL ON DECEMBER 3, 2008 AT 9:00AM IN COURTROOM 3-C OF THE MONTGOMERY COUNTY COURTHOUSE.  
DONE this 27th day of August, 2007

/s WILLIAM A. SHASHY

CIRCUIT JUDGE



## AlaFile E-Notice

**03-CV-2007-000984.00**

Judge: WILLIAM A. SHASHY

SHASHY

To: FOLEY PIPE PRODUCTION CO (PRO SE)  
1091 SCOTT DRIVE  
CLANTON, AL 35045

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

NATHANIEL WILLIAMS VS. FOLEY PIPE PRODUCTION CO, ET AL  
**03-CV-2007-000984.00**

The following matter was FILED on 8/27/2007 4:01:59 PM

Notice Date: 8/27/2007 4:01:59 PM

**MELISSA RITTENOUR**  
**CIRCUIT COURT CLERK**  
MONTGOMERY COUNTY, ALABAMA  
251 S. LAWRENCE STREET  
MONTGOMERY, AL 36102

334-832-4950



## AlaFile E-Notice

**03-CV-2007-000984.00**

Judge: WILLIAM A. SHASHY

To: SAPONE BOB (PRO SE)  
1091 SCOTT DRIVE  
CLANTON, AL 35045

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

NATHANIEL WILLIAMS VS. FOLEY PIPE PRODUCTION CO, ET AL  
**03-CV-2007-000984.00**

The following matter was FILED on 8/27/2007 4:01:59 PM

Notice Date: 8/27/2007 4:01:59 PM

**MELISSA RITTENOUR**  
**CIRCUIT COURT CLERK**  
MONTGOMERY COUNTY, ALABAMA  
251 S. LAWRENCE STREET  
MONTGOMERY, AL 36102

334-832-4950



## AlaFile E-Notice

**03-CV-2007-000984.00**

Judge: WILLIAM A. SHASHY

1A-5

To: VICK STEVE (PRO SE)  
1091 SCOTT DRIVE  
CLANTON, AL 35045

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

NATHANIEL WILLIAMS VS. FOLEY PIPE PRODUCTION CO, ET AL  
03-CV-2007-000984.00

The following matter was FILED on 8/27/2007 4:01:59 PM

Notice Date: 8/27/2007 4:01:59 PM

MELISSA RITTENOUR  
CIRCUIT COURT CLERK  
MONTGOMERY COUNTY, ALABAMA  
251 S. LAWRENCE STREET  
MONTGOMERY, AL 36102

334-832-4950





## AlaFile E-Notice

**03-CV-2007-000984.00**

Judge: WILLIAM A. SHASHY

To: HURST NORMAN JR  
462 A SAYRE ST  
MONTGOMERY, AL 36104

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

NATHANIEL WILLIAMS VS. FOLEY PIPE PRODUCTION CO, ET AL  
03-CV-2007-000984.00

The following matter was FILED on 8/27/2007 4:01:59 PM

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## AlaFile E-Notice

**03-CV-2007-000984.00**

Judge: WILLIAM A. SHASHY

To: HURST NORMAN JR  
462 A SAYRE ST  
MONTGOMERY, AL 36104

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## NOTICE OF SERVICE

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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

NATHANIEL WILLIAMS VS. FOLEY PIPE PRODUCTION CO, ET AL  
03-CV-2007-000984.00

The following matter was served on 10/8/2007

**D001 FOLEY PIPE PRODUCTION CO  
AUTHORIZED SERVICE**

**MELISSA RITTENOUR  
CIRCUIT COURT CLERK  
MONTGOMERY COUNTY, ALABAMA  
251 S. LAWRENCE STREET  
MONTGOMERY, AL 36102**

334-832-4950



## **AlaFile E-Notice**

**03-CV-2007-000984.00**

Judge: WILLIAM A. SHASHY

To: HURST NORMAN JR  
462 A SAYRE ST  
MONTGOMERY, AL 36104

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## **NOTICE OF SERVICE**

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**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

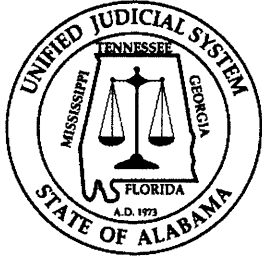
**NATHANIEL WILLIAMS VS. FOLEY PIPE PRODUCTION CO, ET AL**  
**03-CV-2007-000984.00**

The following matter was served on 9/5/2007

**D002 SAPONE BOB**  
**AUTHORIZED SERVICE**

**MELISSA RITTENOUR**  
**CIRCUIT COURT CLERK**  
MONTGOMERY COUNTY, ALABAMA  
251 S. LAWRENCE STREET  
MONTGOMERY, AL 36102

334-832-4950



## AlaFile E-Notice

**03-CV-2007-000984.00**

Judge: WILLIAM A. SHASHY

To: HURST NORMAN JR  
462 A SAYRE ST  
MONTGOMERY, AL 36104

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## NOTICE OF SERVICE

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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

NATHANIEL WILLIAMS VS. FOLEY PIPE PRODUCTION CO, ET AL  
03-CV-2007-000984.00

The following matter was served on 10/8/2007

**D003 VICK STEVE**  
**AUTHORIZED SERVICE**

**MELISSA RITTENOUR**  
**CIRCUIT COURT CLERK**  
MONTGOMERY COUNTY, ALABAMA  
251 S. LAWRENCE STREET  
MONTGOMERY, AL 36102

334-832-4950

WAS

N/c 10-05-07 F-15

<b>State of Alabama</b> <b>Unified Judicial System</b>  Form C-34      Rev 6/88	<b>SUMMONS</b> <b>-CIVIL-</b>	Case Number  <u>CV 07-984</u>
--	----------------------------------	-------------------------------------

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

Plaintiff NATHANIEL WILLIAMS v. Defendant BOB SARONE

NOTICE TO 1091 SCOTT DRIVE, CLANTON, AL 35045

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF OR PLAINTIFF'S ATTORNEY NORMAN HURST WHOSE ADDRESS IS 462 SAYRE STREET, MONTGOMERY, AL 36104

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED by the Alabama Rules of Civil Procedure:

☐ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant.

☐ Service by certified mail of this summons is initiated upon the written request of Nathan Williams pursuant to the Alabama Rules of Civil Procedure.

Date 8/27/07 By: [Signature]

Clerk/Register

☐ Certified Mail is hereby requested.

Plaintiff's/Attorney's Signature

RETURN ON SERVICE:

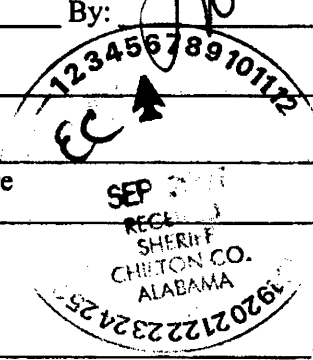
☐ Return receipt of certified mail received in this office on \_\_\_\_\_ (Date)

☒ I certify that I personally delivered a copy of the Summons and Complaint to Julia Alabama on October 8 2007 in Chilton County, (Date)

October 8 2007  
Date  
500 2nd AVE N Clanton  
Address of Server

[Signature]  
Server's Signature

Type of Process Server

 FILED  
 CIRCUIT COURT OF  
 MONTGOMERY COUNTY  
 JUN 19 PM 4:57


WAS

State of Alabama Unified Judicial System  Form C-34 Rev 6/88	<b>SUMMONS</b> <b>-CIVIL-</b>	Case Number  <u>CV-07-984</u>
IN THE <u>CIRCUIT</u> COURT OF <u>MONTGOMERY</u> COUNTY Plaintiff <u>NATHANIEL WILLIAMS</u> v. Defendant <u>STEVE VICK</u> <div style="text-align: center; margin: 0 100px;"><u>D3</u></div> NOTICE TO <u>1091 SCOTT DRIVE, CLANTON, AL 35045</u>		
THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF OR PLAINTIFF'S ATTORNEY <u>NORMAN HURST</u> WHOSE ADDRESS IS <u>462 SAYRE STREET, MONTGOMERY, AL 36104</u>		
THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN <u>30</u> DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.		
<b>TO ANY SHERIFF OR ANY PERSON AUTHORIZED by the Alabama Rules of Civil Procedure.</b> <input type="checkbox"/> You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant.  <input type="checkbox"/> Service by certified mail of this summons is initiated upon the written request of _____ pursuant to the Alabama Rules of Civil Procedure. Date <u>8/27/07</u> <span style="float: right; text-align: right;"> <u>Melissa Pittenger</u> By: <u>[Signature]</u>            Clerk/Register         </span>		
<input type="checkbox"/> Certified Mail is hereby requested. _____ <div style="text-align: right;">Plaintiff's/Attorney's Signature</div>		
<b>RETURN ON SERVICE:</b>  <input type="checkbox"/> Return receipt of certified mail received in this office on _____ (Date) <input checked="" type="checkbox"/> I certify that I personally delivered a copy of the Summons and Complaint to <u>Julia</u> _____ County, Alabama on <u>October 8, 2007</u> (Date) <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <u>October 8, 2007</u>            Date  <u>500 2nd Ave N Clanton</u>            Address of Server         </div> <div style="width: 45%; text-align: right;"> <u>Frank Davis C-31</u>            Server's Signature            Type of Process Server         </div> </div>		

 CIRCUIT COURT  
 MONTGOMERY COUNTY  
 2007 JUN 19 PM 4:51

**EXHIBIT 3**

**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

**NATHANIEL WILLIAMS,** **RECEIVED**

**Plaintiff,**

**v.**

**FOLEY PIPE PRODUCTION COMP.,**  
**BOB SAPONE AND STEVE VICK,**

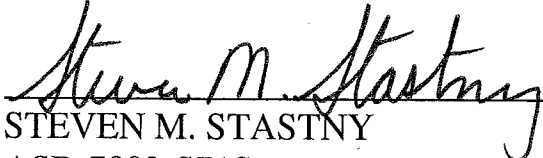
**Defendants.**

**CIVIL ACTION NO.**  
**CV-2007-000984.00**

**DEFENDANTS' NOTICE OF FILING OF NOTICE OF REMOVAL**  
**WITH UNITED STATES DISTRICT COURT**

TO: Melissa Rittenour, Clerk  
Circuit Court of Montgomery County, Alabama  
251 South Lawrence Street  
Montgomery, Alabama 36104

Please take notice that on October 26, 2007, Defendants Foley Products Company, incorrectly named as "Foley Pipe Production Comp.," Steve Vick and Bob Sapone, filed a Notice of Removal of this action with the United States District Court for the Middle District of Alabama, Northern Division. A copy of the Notice of Removal is attached to this notice. You are hereby further notified that a copy of Defendants' Notice of Removal has been delivered to counsel for Plaintiff via First Class United States mail, postage prepaid, addressed to Norman Hurst, Jr., Esq., 462A Sayre Street, Montgomery, Alabama 36104.

  
STEVEN M. STASTNY  
ASB-7803-S71S

  
SUSAN W. BULLOCK  
ASB-2035-U81S

Counsel for Defendants

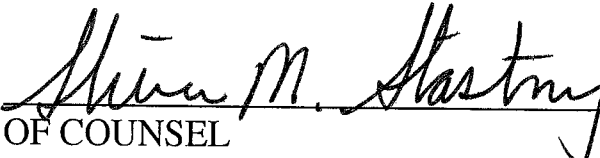
**OF COUNSEL:**

FORD & HARRISON LLP  
2100 3<sup>rd</sup> Ave. N., Ste. 400  
Birmingham, AL 35203  
Tel. (205) 244-5900  
Fax (205) 244-5901

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 26<sup>th</sup> day of October, 2007 served a copy of the foregoing document, Defendants' Notice of Filing of Notice of Removal with United States District Court, upon the all counsel of record indicated below by mailing a copy of same via first-class United States Mail, postage prepaid and addressed as follows:

Norman Hurst, Jr., Esq.  
462A Sayre Street  
Montgomery, Alabama 36104

  
OF COUNSEL

Birmingham:18300.1



Court Name: U S DISTRICT COURT - AL/M  
Division: 2  
Receipt Number: 4602000962  
Cashier ID: cstrecke  
Transaction Date: 10/26/2007  
Payer Name: FORD AND HARRISON LLP

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CIVIL FILING FEE  
For: FORD AND HARRISON LLP  
Case/Party: D-ALM-2-07-CV-000963-001  
Amount: \$350.00

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CHECK  
Remitter: FORD AND HARRISON LLP  
Check/Money Order Num: 1439  
Amt Tendered: \$350.00

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Total Due: \$350.00  
Total Tendered: \$350.00  
Change Amt: \$0.00

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DALM207CV000963-WKW

WILLIAMS V FOLEY PIPE ET AL

FORD AND HARRISON LLP

505 20TH STREET NORTH STE 1201

BIRMINGHAM, AL 35203